### What It Is! How It Works!

### THE MAINE HUMAN RIGHTS COMMISSION: WHAT IS IT?

The Maine Human Rights Commission is the state agency charged with the responsibility of enforcing Maine's anti-discrimination laws. We receive and investigate complaints of unlawful discrimination in employment, housing, education, access to public accommodations, and extension of credit. We attempt to resolve those complaints to the mutual satisfaction of all who are involved. We may pursue a remedy in court when alternative solutions have failed.

### **DISCRIMINATION DEFINED:**

- **1. Overt Discrimination** an intentional, purposeful act of discrimination;
- **2. Unequal or Disparate Treatment** treating members of a protected class in a different and less favorable manner than members of the similarly situated majority group. Proof of discriminatory motive is required.
- **3. Disparate Impact** conduct which, although applied equally to all, has an adverse effect on members of a protected class as compared to the effect on members of the majority class. Intent or motive is of no consequence.

#### **INVESTIGATION PROCESS**

**Impartiality**: Maine Human Rights Commission investigators collect information in a neutral fashion. The Commission bases its decisions on facts and evidence. If the Commission finds reasonable grounds to believe that unlawful discrimination has occurred, it then represents the person who filed the complaint in efforts to informally settle the matter and, if necessary, in Superior Court at no cost to the complainant.

**Settlement**: The Maine Human Rights Act urges informal settlement of all complaints filed.

### MAINE HUMAN RIGHTS ACT:

**Not all discrimination is unlawful.** The Maine Human Rights Act makes it unlawful to discriminate in the following areas for the following reasons:

**EMPLOYMENT:** on the basis of race, color, sex, sexual orientation, physical or mental disability, genetic pre-disposition, religion, age, ancestry or national origin. Also, because of filing a claim or asserting a right under the Worker's Comp Act, or retaliation under the Whistleblower's Act.

**HOUSING**: on the basis of race, color, sex, sexual orientation, physical or mental disability, familial status, religion, ancestry, national origin, or status as a recipient of federal, state, or local public assistance.

**EDUCATION:** on the basis of sex, sexual orientation, physical or mental disability, national origin, or race.

**ACCESS TO PUBLIC ACCOMMODATIONS:** on the basis of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin, (lodging because of children).

**CREDIT TRANSACTIONS**: solely on the basis of age, race, color, sex, sexual orientation, marital status, religion, ancestry or national origin.

**RETALIATION:** The Maine Human Rights Act prohibits retaliation against any individual who has opposed any practice which would be a violation of the Act, or because the individual has made a complaint, testified or assisted in any manner in any investigation, proceeding or hearing under the Act.

# The Maine Human Rights Act

Employment

Housing

Education

Access to Public Accommodation

Credit Transactions



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WHAT IT IS &
HOW IT WORKS

MAINE HUMAN RIGHTS COMMISSION AMY SNEIRSON, EXECUTIVE DIRECTOR

### **INTAKE / FRAMING THE COMPLAINT**

A detailed interview with the person filing the complaint to determine the specifics of the complaint and the Commission's jurisdiction. If there is no jurisdiction or if the alleged discrimination cannot be supported, the complaint is administratively dismissed.

### PROCEDURE FOR HANDLING OF COMPLAINT OF DISCRIMINATION

PROCEDURAL REGULATIONS: The Commission's procedures are set forth by regulation which has the force of law, and which should be reviewed.

## RESPONDENT NOTIFIED & INFORMATION REQUESTED

A copy of the complaint is mailed to the respondent with formal notification and a request for information; settlement is invited.

### INVESTIGATION

Facts are gathered, either by fact finding conference, review of information in the file, or interviews with the parties; report is written; both parties may respond to report; report containing staff recommendations and responses from complainant and respondent are forwarded to the Commissioners for review.

THE COMMISSIONERS: The Commission is a citizens panel, consisting of five persons appointed by the Governor and confirmed by the Senate for staggered five year terms.

### DISMISS

**SETTLE** 

If the matter can be settled between the parties

prior to a Commission finding, an agreement is

executed.

If the Commission staff ascertains that the terms of the settlement agreement have been met, the matter is administratively dismissed.

### FINDINGS BY THE COMMISSION

At a public meeting, the Commission considers each case and votes to find whether or not reasonable grounds exist to believe that unlawful discrimination has occurred.

### CONCILIATE

If the Commission finds that reasonable grounds exist to believe that unlawful discrimination has occurred, conciliation negotiations occur.

### **COURT**

If the matter cannot be settled, a civil action may be filed in Superior Court.

### DISMISS

If the Commission finds that no reasonable grounds exist to believe that unlawful discrimination occurred, the complaint is dismissed.